

## **REMARKS**

Applicant is in receipt of the Office Action mailed September 26, 2008. Claims 1, 3-4, 6-20, and 22-58 have been cancelled. New claims 59-104 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Objections**

Claims 6-10, 29-32, 49, 50, and 52-58 were objected to because of various informalities. Applicant has cancelled these claims, and submitted new claims that do not suffer from the cited informalities.

Applicant thus respectfully requests removal of the objections to the claims.

### **Section 112 Rejections**

Claim 18 was rejected under 35 U.S.C. 112, second paragraph for being indefinite. Applicant has cancelled claim 18, and respectfully requests removal of the section 112 rejection of claim 18.

### **Section 103 Rejections**

Claims 1, 3, 4, 6-20, and 22-58 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunstman (U.S. Patent No. 5,801,689) in view of Kodosky, et al (U.S. Patent No. 4,901,221, "Kodosky"). Applicant has cancelled these claims, thus rendering the rejections moot. Applicant believes that the newly submitted claims patentably distinguish over the cited art of Hunstman and Kodosky, as discussed below.

New claim 59 recites:

59. A computer accessible memory medium that stores program instructions executable to:

establish a network connection with client software over a network;

receive user input from the client software indicating a graphical program for execution;

execute the graphical program, wherein the graphical program includes a block diagram that comprises a plurality of interconnected function icons representing graphical data flow of a desired function, and wherein said executing the graphical program comprises executing the block diagram; and

send information describing a user interface of the graphical program over the network to the client software after establishing the network connection with the client software;

send information regarding the block diagram of the graphical program over the network to the client software after establishing the network connection with the client software;

wherein the user interface is operable to facilitate interaction between a user and the graphical program over the network.

Nowhere does Huntsman or Kodosky disclose **send information describing a user interface of the graphical program over the network to the client software after establishing the network connection with the client software; and send information regarding the block diagram of the graphical program over the network to the client software after establishing the network connection with the client software**, as recited in claim 59.

Applicant respectfully notes that Huntsman fails to teach or suggest a graphical program as defined in claim 59 at all, and so does not, and cannot, disclose these features. More specifically, Huntsman nowhere discloses a block diagram, nor sending information regarding such a block diagram (of a graphical program) over a network to a client system. Nor does Kodosky teach these features. Kodosky discloses graphical programs, but nowhere teaches sending information regarding a block diagram of a graphical program over a network to a client system.

Thus, for at least the reasons presented above, the cited art, taken singly or in combination, fails to teach or suggest all the features and limitations of claim 59, and so claim 59, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Independent claims 73 and 81 include similar limitations as claim 59, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons presented above, the cited art fails to teach or suggest all the features and limitations of claims 73 and 81, and so these claims and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

New claim 82 recites:

82. A computer accessible memory medium that stores program instructions executable to:

- receive user input at a first computer indicating a graphical program, wherein the graphical program is stored on a server computer, wherein the graphical program includes a block diagram that comprises a plurality of interconnected function icons representing graphical data flow of a desired function;

- provide the user input indicating the graphical program over a network to the server computer;

- receive information describing a user interface of the graphical program from the server computer over the network during execution of the graphical program on the server computer;

- receive information regarding the block diagram of the graphical program from the server computer over the network;

- display the user interface of the graphical program at the first computer based on the information describing a user interface; and

- display the block diagram at the first computer based on the information regarding the block diagram;

- wherein the user interface facilitates interaction between a user and the graphical program executing on the server computer.

As noted above, Huntsman does not teach or suggest a graphical program, nor a block diagram, and so does not, and cannot, disclose **receive information regarding the block diagram of the graphical program from the server software over the network,**

**nor display the block diagram based on the information regarding the block diagram,** as recited in claim 82.

Nor does Kodosky teach or suggest receiving such information from server software over a network, nor displaying a block diagram based on such information.

Thus, for at least these reasons, Applicant submits that the cited art of Huntsman and Kodosky, taken singly or in combination, fails to teach or suggest all the features and limitations of claim 82, and so claim 82 is patentably distinct and non-obvious over the cited art, and is thus allowable.

Independent claims 96 and 104 include similar limitations as claim 59, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons presented above, the cited art fails to teach or suggest all the features and limitations of claims 96 and 104, and so these claims, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

## **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-38605/JCH.

Also filed herewith are the following items:

- ☒ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

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